

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION**

**Edward Butowsky,**

Plaintiff,

v.

**David Folkenflik, et al.,**

Defendants

**Case No. 4:18-cv-442-ALM**

**PLAINTIFF’S UNOPPOSED MOTION TO MODIFY ORDER**

NOW COMES Edward Butowsky, the Plaintiff, moving the Court to modify its July 7, 2020 Order (Doc. No 172):

In the Plaintiff’s Response to Defendants’ Notice of Supplemental Evidence in Support of Motion for Sanctions (“Plaintiff’s Response”)(Doc. No. 167), filed on June 26, 2020, the Plaintiff indicated his intent to oppose the Defendants’ Motion for Sanctions Pursuant to Federal Rule of Civil Procedure 37 (“Rule 37 Motion”)(Doc. No. 161). *See* Plaintiff’s Response 3-4. The Rule 37 Motion was filed on June 19, 2020, and the Plaintiff’s Response was due on July 3, 2020. On the latter date, the Plaintiff filed his unopposed Motion for Extension of Deadlines (Doc. No. 171). The July 7, 2020 Order partially granted the Plaintiff’s request for an extension of deadlines, particularly for discovery compliance, but it denied most other requests.

As it is currently written, the Order does not permit the Plaintiff to file a response to the Rule 37 Motion. The Plaintiff wishes to file a written response prior to the hearing

scheduled for August 18, 2020, therefore he moves the Court to modify the July 7, 2020 Order to permit that. He further moves the Court to accept the attached response to the Rule 37 Motion. Finally, the Plaintiff moves the Court to grant the Defendants an opportunity to reply by August 14, 2020.

Respectfully submitted,

**/s/ Ty Clevenger**

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**Attorney for Plaintiff Edward Butowsky**

### **CERTIFICATE OF CONFERENCE**

I certify that I conferred via email on August 6, 2020 with Laura Lee Prather and David Bodney, counsel for the Defendants, and they indicated that their clients do not oppose this motion.

**/s/ Ty Clevenger**

Ty Clevenger

### **CERTIFICATE OF SERVICE**

I certify that a copy of this document was filed electronically with the Court's ECF system on August 7, 2020, which should result in automatic notification to all counsel of record.

**/s/ Ty Clevenger**

Ty Clevenger